

# Animal and Plant Health Inspection Service, USDA

# § 301.32-3

Botanical name	Common name(s)	Fruit fly
<i>Sicyes</i> sp .....	Cucumber, bur .....	Melon.
<i>Solanum aculeatissimum</i> .....	Nightshade .....	Peach.
<i>Solanum mauritanum</i> = <i>S. auriculatum</i> ..	Tobacco, wild .....	Peach.
<i>Solanum melongena</i> .....	Eggplant .....	Mediterranean, <sup>6</sup> Melon, Peach.
<i>Solanum muricatum</i> .....	Pepino .....	Oriental, Peach.
<i>Solanum pseudocapsicum</i> .....	Jerusalem cherry .....	Oriental, Peach.
<i>Solanum seaforthianum</i> .....	Nightshade, Brazilian .....	Peach.
<i>Solanum verbascifolium</i> .....	Nightshade, Mullein .....	Peach.
<i>Spondias dulcis</i> = <i>Spondias cytherea</i> .....	Otaheite apple, Jew plum .....	Oriental, West Indian.
<i>Spondias mombin</i> .....	Hog-plum .....	Sapote, West Indian.
<i>Spondias purpurea</i> .....	Red mombin .....	Sapote, West Indian.
<i>Spondias</i> spp .....	Spanish plum, purple mombin or Ciruela .....	Mexican.
<i>Spondias tuberosa</i> .....	Imbu .....	Oriental.
<i>Syzygium aquem</i> .....	Water apple, watery roseapple .....	Peach.
<i>Syzygium cumini</i> .....	Java plum, jambolana .....	Peach.
<i>Syzygium jambos</i> = <i>Eugenia jambos</i> .....	Rose apple .....	Mediterranean, Mexican, Oriental, Peach, West Indian.
<i>Syzygium malaccense</i> = <i>Eugenia malaccensis</i> .....	Mountain apple, Malay apple .....	Mediterranean, Peach, West Indian.
<i>Syzygium samarangense</i> .....	Java apple .....	Peach.
<i>Terminalia bellirica</i> .....	Myrobalan, belleric .....	Peach.
<i>Terminalia catappa</i> .....	Tropical almond .....	Oriental, Peach.
<i>Terminalia chebula</i> .....	Myrobalan, black or chebulic .....	Mediterranean, Oriental, Peach.
<i>Thevetia peruviana</i> .....	Yellow oleander .....	Mediterranean, Oriental.
<i>Trichosanthis</i> spp .....	Gourds .....	Melon, Peach.
<i>Vaccinium</i> spp .....	Blueberry .....	Mediterranean.
<i>Vigna unguiculata</i> .....	Cowpea .....	Melon.
<i>Vitis</i> spp .....	Grapes .....	Mediterranean, Oriental.
<i>Vitis trifolia</i> .....	Grape .....	Melon.
<i>Wikstroemia phillyreifolia</i> .....	Akia .....	Oriental.
<i>Ziziphus mauritiana</i> .....	Chinese date, jujube .....	Peach.

<sup>1</sup> Sour limes are not regulated articles for Mexican fruit fly.

<sup>2</sup> Smooth-skinned lemons harvested for packing by commercial packinghouses are not regulated articles for Mediterranean fruit fly.

<sup>3</sup> Eureka, Lisbon, and Villa Franca cultivars (smooth-skinned sour lemon) are not regulated articles for Mexican fruit fly.

<sup>4</sup> Only pink and red ripe tomatoes are regulated articles for melon, Oriental, and peach fruit flies.

<sup>5</sup> Harvested almonds with dried husks are not regulated articles for peach fruit fly.

<sup>6</sup> Commercially produced eggplants are not regulated articles for Mediterranean fruit fly.

(b) Plants of the following species in the family Curcubitaceae are regulated articles for the melon fruit fly only:

Cantaloupe (*Cucumis melo*)  
 Chayote (*Sechium edule*)  
 Colocynth (*Citrullus colocynthis*)  
 Cucumber (*Cucumis sativus*)  
 Cucumber, bur (*Sicyes* spp.)  
 Cucurbit (*Cucumis pubescens* and *C. trigonus*)  
 Cucurbit, wild (*Cucumis trigonus*)  
 Gherkin, West India (*Cucumis angaria*)  
 Gourds (*Coccinia*, *Crescentia*, *Lagenaria*, *Luffa*, *Momordica*, and *Trichosanthis* spp.)  
 Gourd, angled luffa (*Luffa acutangula*)  
 Gourd, balsam apple (*Momordica balsamina*)  
 Gourd, ivy (*Coccinia grandis*)  
 Gourd, kakari (*Momordica dioica*)  
 Gourd, serpent cucumber (*Trichosanthis anguina*)  
 Gourd, snake (*Trichosanthis cucumeroides*)  
 Gourd, sponge (*Luffa aegyptiaca*)  
 Gourd, white flowered (*Lagenaria siceraria*)  
 Melon, Chinese (*Benincasa hispida*)  
 Melon, long (*Cucumis utilissimus*)  
 Pumpkin (*Cucurbita pepo*)  
 Pumpkin, Canada (*Cucurbita moschata*)  
 Squash (*Cucurbita maxima*)

Watermelon (*Citrullus lanatus* = *Citrullus vulgaris*)

(c) Soil within the dripline of the plants listed in paragraph (b) of this section or plants that are producing or have produced any article listed in paragraph (a) of this section.

(d) Any other product, article, or means of conveyance not listed in paragraphs (a), (b), or (c) of this section that an inspector determines presents a risk of spreading fruit flies, when the inspector notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

## § 301.32-3 Quarantined areas.

(a) *Designation of quarantined areas.* In accordance with the criteria listed in paragraph (c) of this section, the Administrator will designate as a quarantined area each State, or each portion of a State, in which a fruit fly population subject to the regulations in

this subpart has been found by an inspector, or in which the Administrator has reason to believe that a fruit fly population is present, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which a fruit fly population has been found. The Administrator will publish the description of the quarantined area on the Plant Protection and Quarantine Web site, [http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/fruit\\_flies/index.shtml](http://www.aphis.usda.gov/plant_health/plant_pest_info/fruit_flies/index.shtml). The description of the quarantined area will include the date the description was last updated and a description of the changes that have been made to the quarantined area. The description of the quarantined area may also be obtained by request from any local office of PPQ; local offices are listed in telephone directories. After a change is made to the quarantined area, we will publish a notice in the FEDERAL REGISTER informing the public that the change has occurred and describing the change to the quarantined area.

(b) *Designation of an area less than an entire State as a quarantined area.* Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the fruit fly.

(c) *Criteria for designation of a State, or a portion of a State, as a quarantined area.* A State, or a portion of a State, will be designated as a quarantined area when a fruit fly population has been found in that area by an inspector, when the Administrator has reason to believe that the fruit fly is present in that area, or when the Administrator considers it necessary to quarantine that area because of its inseparability for quarantine enforcement purposes from localities in which the fruit fly has been found.

(d) *Removal of a State, or a portion of a State, from quarantine.* A State, or a portion of a State, will be removed from quarantine when the Administrator determines that sufficient time has passed without finding additional flies or other evidence of infestation in the area to conclude that the fruit fly no longer exists in that area.

**§ 301.32-4 Conditions governing the interstate movement of regulated articles from quarantined areas.**

Any regulated article may be moved interstate from a quarantined area<sup>2</sup> only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.32-5 and 301.32-8;

(b) Without a certificate or limited permit if:

(1) The regulated article originated outside the quarantined area and is either moved in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by fruit flies (such as canvas, plastic, or other closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked, or unloaded in the quarantined area; and

(3) The regulated article is moved through the quarantined area without stopping except for refueling or for traffic conditions, such as traffic lights or stop signs.

(c) Without a certificate or limited permit if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Pursuant to a permit issued by the Administrator for the regulated article;

(3) Under conditions specified on the permit and found by the Administrator to be adequate to prevent the spread of fruit flies; and

(4) With a tag or label bearing the number of the permit issued for the

<sup>2</sup>Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.